

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT 2021 OCT 26 AM 11:07
CENTRAL DISTRICT OF CALIFORNIA

NEW MEXICO

CLERK-ALBUQUERQUE
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Johnnie James Wilson Jr.
Plaintiff pro se

V.

Case # 1: 21cv 00941-KK

Holiday Inn Express; dba
Sarodia Sun City LLC
Raj Patel

Defendants

AMENDED COMPLAINT
Fed. R. Civ. Pro. 15 (a)

Complaint for Gross Negligence causing bodily harm and damages
and Negligent Infliction of Emotional Distress

Jury Trial Demand

Plaintiff asserts Diversity of Jurisdiction, as named Defendant Holiday Inn Express dba:
Sarodia Sun City LLC, Raj Patel 6965 El Camino Real Suite 105-478 Carlsbad CA. 92009.
.Pro se Plaintiff resides at 6700 Los Volcanes Rd. NW Apt. 305 Albuquerque, NM 87121
505-831-3758; coltranefan9@gmail.com

Court has jurisdiction under 28 U.S.C. 1332, Diversity of Citizenship. Venue is also proper
and damages exceed \$75,000, actual and exemplary.

Comes now Plaintiff who states as follows: Named Defendants are alleged to have
committed tortious acts which harmed and damaged pro se Plaintiff.

FACTS

On or about March 29, 2021, Plaintiff suffered harm and damages at the Holiday Inn Express, located at 3020 W. Ramsey St. Banning CA. 92220 Room 104. As Plaintiff attempted to turn the water off in the shower, Plaintiff slipped on the slippery bathtub surface twisting his lumbar area. Plaintiff was *fortunate* to be close to the only grab bar in the tub area. That being in the front of the tub. Plaintiff noted after his injury, there were no other grab bars in the entire area. Non slip mats were not available as a safety measure. Plaintiff alleges but for the known hazardous conditions in/of the tub area, Plaintiff would not have suffered the harm and damages now being suffered. Plaintiff has suffered degenerative disc disease for decades and the foreseeable incident exacerbated this condition. Plaintiff is also being medically treated for anxiety disorder. This disorder has also been made worse as Plaintiff now takes additional medications. This due to the breach of duties owed a guest.

It is also a fact, Plaintiff was not in treatment for his spinal conditions prior to March 29, 2021.

The Defendants negligence has caused additional harm and damages to an 81 year old man.

But for the negligent actions or in-actions of the Defendants, Plaintiff would not be in treatment for undue harm and damages now suffered.

Named Defendants knew or should have known of the foreseeable hazardous conditions.

Pro se Plaintiff seeks his day in court to prove the allegations set out in the Complaints.

Plaintiff alleges more likely than not, that but for the dangerous conditions in the bathtub, Plaintiff would not have suffered exacerbated harm and damages.

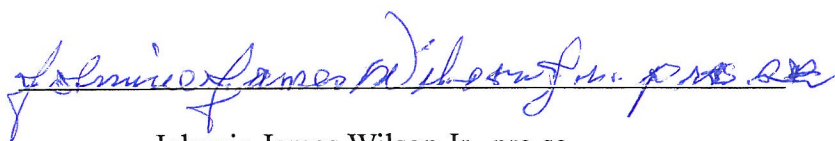
1. Plaintiff alleges he was not in treatment for his back conditions on or before March 29, 2021 the day of injuries.
2. Plaintiff alleges but for the foreseeable dangerous conditions in the bathtub he would not have been harmed and damaged.

3. Plaintiff has been a Medicare recipient due to his lumbar spine since 1-01-1987.
4. Defendants negligence further harmed and damaged Plaintiff.
5. Plaintiff alleges a reckless disregard for the safety of others by the dangers in place on the date of, March 29, 2021, at 3020 W. Ramsey St. Banning, CA in room 104.
6. Plaintiff further alleges the gross reckless disregard for his safety, is cause for exemplary damages against the named Defendants.
7. Plaintiff alleges Defendants failure to act as a reasonable person would supports the allegations of pro se Plaintiff.
8. Plaintiff alleges the failure to act was the proximate cause of the harm and damages now being suffered.
9. Plaintiff was owed a duty of ordinary care and that duty was breached, causing undue harm and damages.
10. Plaintiff alleges there is ongoing and undue abasement in the quality of his late life elicited after March 29, 2021, this due to negligence.
11. Plaintiff further alleges he sought professional treatment for his harm and damages.
12. Plaintiff anxiety disorder has also been exacerbated by the Defendants negligence.
13. Defendants acts or omissions caused or contributed to the cause of Plaintiffs harm and further damages, now being suffered.
14. Plaintiff seeks corporate accountability, responsibility and due diligence to change hazardous conditions.
15. Plaintiff further alleges gross negligence due to the obvious foreseeable hazard in place and the total lack of preventative measures taken by the named Defendants.

Wherefore, pro se Plaintiff, prays the court, and seeks recovery of medical and Acupuncture treatment cost and expenses. Pro se Plaintiff alleges harm and damages to exceed \$75,000. Plaintiff now suffers imperishable harm and damages due to Defendants reckless disregard for his safety. Plaintiff also prays the court to award exemplary damages for the blatant breach of duties owed. Failure to warn, of a known or foreseeable hazard. Further, exemplary damages order should include placing non-slip mats, warning signs about the hazard, grab bars along the tub side wall. The safeguards should be mandatory to obviate another foreseeable injury.

JURY DEMAND

Federal Rule of Civil Procedure 11 is applicable and Plaintiff is in compliance:



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Defendants:
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Raj Patel
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